



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:ddj

Docket No: 3995-00

29 August 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by NAVSUPSYSCMD memorandum 4050 SER 53C/152 of 7 August 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
NAVAL SUPPLY SYSTEMS COMMAND  
5450 CARLISLE PIKE  
PO BOX 2050  
MECHANICSBURG PA 17055-0791

TELEPHONE NUMBER  
COMMERCIAL  
AUTOVON  
IN REPLY REFER TO:

4050  
Ser 53C/152  
AUG 7 2000

From: Commander, Naval Supply Systems Command  
To: Board for Correction of Naval Records

Subj: ADVISORY OPINION IN THE CASE OF  
[REDACTED]

Ref: (a) BCNR memo PAY: ga of 19 Jul 00

Encl: [REDACTED]  
(2) Subject's Microfiche File

1. In response to reference (a), we have reviewed enclosure (1). Enclosures (1) and (2) are returned.

2. Our review concluded that Petty Officer [REDACTED] was not miscounseled when he shipped household goods from Massachusetts to San Diego, California in August 1999. He reported for duty at the Naval Dental Center Southwest and was assigned to bachelor housing. His household goods arrived and were placed in temporary storage. Without notifying his command, he moved off base and had the property delivered to his residence. When he discovered he could not draw Basic Allowance for Housing (BAH), he put his household goods into private storage and moved back into bachelor housing. He contends he should be reimbursed for his storage expenses.

3. We disagree. Petty Officer [REDACTED] acted on his own when he moved out of bachelor housing and rented local economy quarters. The Government's responsibility for his household goods ended when he had them delivered to his apartment in March 2000. He voluntarily moved back on base when he discovered he was not eligible for BAH. He had the option to remain off base, but he could not afford the apartment rent without compensation. Competent authority did not direct the move, and he is not entitled to storage of his excess property at Government expense. His mini-storage bills are out-of-pocket costs.

4. We do not recommend favorable Board action.

[REDACTED]  
By direction